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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
88/B8 CIP DIV4

In re Application of: Walter C. Fiers

Application No.: 08/452,658

Filed: May 25, 1995

For: DNA SEQUENCES, RECOMBINANT DNA MOLECULES AND PROCESSES FOR PRODUCING HUMAN FIBROBLAST  
INTERFERON-LIKE POLYPEPTIDES

The owner, Bionex Inc. MA Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 08/253,843, filed on June 3, 1994, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

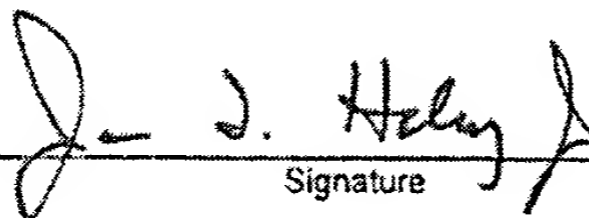
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 27,794



Signature

June 5, 2009

Date

James F. Haley, Jr.

Typed or printed name

212-596-9000

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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